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RULES SUPPLEMENT TO PART-I EXTRAORDINARY OF THE ANDHRA PRADESH GAZETTE PUBLISHED BY AUTHORITY

No. 38A] HYDERABAD, THURSDAY, NOVEMBER 15, 2012.

NOTIFICATIONS BY GOVERNMENT

—X—

INDUSTRIES & COMMERCE DEPARTMENT

(*Mines - I*)

AMENDMENTS TO THE ANDHRA PRADESH MINOR MINERAL CONCESSION RULES, 1966.

[*G.O.Ms.No. 154, Industries & Commerce (Mines - I), November 15, 2012]*

In exercise of the powers conferred under sub-section (1) of Section 15 of the Mines & Minerals (Development & Regulation) Act, 1957 (Central Act 67 of 1957), the Governor of Andhra Pradesh hereby makes the following amendments to the Andhra Pradesh Minor Mineral Concession Rules, 1966 issued in G.O.Ms.No.1172, Ind. & Com. Dept., dated.04-09-1967 and also amended subsequently from time to time.

G.765/1.

[1]

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AMENDMENT

In the said rules, for the rules 9-B to 9-Z and the forms appended therein, the following shall be substituted; namely-

“9-B Regulation of extraction/disposal of Stream/Rivers and

- (1) Regulation of Stream/River sand extraction/disposal from the areas other than falling in Schedule Areas be done by the Mandal/Division/ District authority notified under the Andhra Pradesh Water Land and Trees Act, 2002 and rules framed there under.
- (2) Allocation of specified sand bearing areas located partially/fully in Scheduled Areas shall be as per the Andhra Pradesh Panchayats Extension to Scheduled Areas (PESA) Rules, 2011 with Technical and Administrative support from Integrated Tribal Development Authorities (ITDA)/Andhra Pradesh Mineral Development Corporation Limited (APMDC Ltd.) under the direct supervision and control of the Agency Magistrate/District Collector concerned. Operational guidelines shall be issued separately from time to time.

9-C Sand extraction upto III order Streams:

Sand extraction shall not be permitted in over-exploited notified areas except for local use in villages or towns bordering the Streams for bonafide purposes other than commercial operations/public trading/ stocking etc. The Sand extraction:-

- (1) Shall be as per rule 23-(1)(a) of Andhra Pradesh Water Land and Tree Rules, 2004.
- (2) Shall be for local use:
 - (a) free of cost:
 - (i) for weaker section housing schemes on a certificate issued by the District Collector or any authorized officer;
 - (ii) for own use basing on the actual requirement to be certified by Panchayath Secretary concerned and
 - (b) for local use of sand in Government works on payment of seigniorage fee.

- (3) The Panchayath Secretary of concerned Gram Panchayath shall issue way bills as prescribed by the Mandal Authority for the purposes mentioned under sub-rule (2).
- (4) Transportation of sand shall be by means of bullock carts/Tractors only.
- (5) The Mandal shall be treated as a unit for free movement of sand within the jurisdiction.
- (6) The Divisional Authority in co-ordination with the following officers of the Departments shall effect proper enforcement for extraction and transportation of sand upto III order Streams:
 - (i) Executive Engineer, Irrigation (having Jurisdiction)
 - (ii) Executive Engineer, Rural Water Supply concerned
 - (iii) Assistant Director, Ground Water Department
 - (iv) Assistant Geologist, Mines & Geology Department.
 - (v) Sub Divisional Police Officer concerned

9-D Identification of sand bearing areas in IV, V and above order Streams:

- (1) Initial identification of sand bearing areas shall be caused by the Mandal Authority and recommend to the District Authority.
- (2) The District Authority for further survey, study of technical feasibility and affirmation of specified sand bearing areas shall refer to the:
 - (i) Mandal Authority in case of sand bearing areas falling within the Mandal.
 - (ii) Divisional Authority in case of sand bearing areas falling within inter-Mandal level and
 - (iii) District Authority in case of sand bearing areas falling within inter-Divisional level.
- (3) In case of IV, V and above order Streams/Rivers the respective Divisional/District Authority shall take up joint inspection to fix the

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boundaries, assess the sand in terms of quantity and study the environmental aspects with the Departments of Ground Water, Irrigation/River Conservator, Mines and Geology, A.P. Pollution Control Board, Panchayat Raj & Rural Development and Revenue Departments.

- (4) Feasible sand bearing areas in IV, V and above order Streams for Riverbed extraction/open extraction and inStream/underwater excavation of sand shall be displayed on the notice board for publicity in concerned Gram Panchayat/Mandal Parishad and Zilla Parishad offices as well as at Tahsildar/Revenue Divisional Office and District Collector Offices.
- (5) The Member-Secretary to District Authority shall obtain required clearances for feasible sand bearing areas as per sub-rule (3) from concerned authorities.
- (6) The expenditure for required clearances of feasible areas as per sub-rule (5) shall be met from Zilla Parishad General Funds.
- (7) The District Authority shall arrive at Minimum Assured Amount for each of the feasible sand bearing areas as per sub-rule (3) based on the quantity assessed by multiplying with the Seigniorage Fee per Cu.Mt. as per the Scheduled Rate.
- (8) The District Authority shall fix sale price of sand at the stockyard as per prevailing Standard Scheduled Rate (SSR) plus not more than 20% on SSR.
- (9) The District Authority shall regularly assess the demand and supply of sand; requirement for constructions/Civil works in private and Government sector from all types of available resources i.e., Streams/Riverbed (open extraction), in-Stream excavation, de-silting of reservoirs/up-Streams of barrages, de-casting/ removal of sand from patta lands and rock sand/manufactured sand.
- (10) The District Authority shall ensure that the identification of areas feasible for extraction shall be on a continued basis as per sub-rule (3).

The Irrigation and Command Area Development Department shall make available the categorization of various Rivers/Streams in the State to the District Authority to take up feasibility study.

9-E Inviting Applications for allotment by draw of lots:

- (1) Notice inviting applications in Form-S1 shall be caused by the Member-Secretary of the District Authority for allotment of feasible sand bearing areas in the District for Riverbed extraction/open extraction and in Stream/underwater excavation of sand (other than Scheduled Areas) to be published in (2) local dailies not less than fifteen (15) days before the last date meant for receipt of applications.
- (2) Notification charges for publication of the allotment of feasible sand bearing areas as per sub-rule (1) shall be met from Zilla Parishad General Funds.
- (3) Filing of application in prescribed Form-S2 by the applicants with the Member-Secretary duly satisfying the terms & conditions stipulated therein on payment of Rs.5000=00 (Rupees Five Thousand Only) towards non-refundable fee through Demand Draft drawn in favour of Member-Secretary from any Nationalized Bank. The application fee shall be remitted to the credit of Zilla Parishad General Funds.
- (4) Every filled in application shall be accompanied by the following documents
 - (i) Identity/proof of any one - copy of voter identification card/ration card/Aadhaar card/Passport.
 - (ii) A Notarized affidavit in the prescribed form on a non-judicial stamp paper worth Rs.100/- declaring:
 - (a) To abide by the Rules and conditions of allotment, agreement of allotment and any other orders issued during the period of allotment by the Government or District Authority from time to time.
 - (b) Mineral Dues Clearance Certificate or a declaration in lieu of Mineral Dues Clearance Certificate in case the applicant did not hold any lease under Mines & Minerals (Development and Regulation) Act 1957, Mineral Concession Rules, 1960 and A.P Minor Mineral Concession Rules, 1966.

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- (c) Copy of Income Tax Assessment for latest (3) years. Net worth of the applicant for the last three (3) years certified by a chartered accountant which shall be equal to the minimum assured amount notified for that specified area at least in any one of the three (3) years.
 - (d) A declaration if the applicant is not an Income Tax Assessee alongwith a solvency certificate on the movable/immovable assets issued by the Competent Authority shall be furnished worth the minimum assured amount for the area applied for.
 - (e) No Dues Certificate from Commercial Taxes Department or a declaration if the applicant is not a Commercial Tax Assessee.
 - (f) In case of in-Stream/underwater extraction by Boatsmen Society, the Society shall submit Registration Certificate, Society Audit reports for latest three (3) years, if they are available or a declaration that the Society accounts have not been subjected to audit till then if it is registered recently.
- (iii) Demand Draft from any Nationalized Bank for an amount equal to 25% of the Minimum Assured Amount for the specified quantity of sand notified for any specific sand bearing area shall be paid towards Security Deposit drawn in favour of the Member-Secretary.
 - (iv) Six recent pass port size photos duly signed by the applicant.
- (5) An application once filed shall not be allowed for withdrawal.
 - (6) The Member-Secretary shall maintain a register in Form-S3 showing the details of applications received for each of the feasible sand bearing area notified for extraction of sand.
 - (7) The Member-Secretary shall take reasonable precaution to obtain the verification of antecedents and credit worthiness of the applicants. Guidelines shall be issued designating officer for the purpose.
 - (8) The Member-Secretary after receipt of report on the antecedents shall reject applications found not genuine with recorded reasons. For the remaining applications, entry passes shall be issued before conduct of draw of lots in Form-S4.

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- (9) Joint Collector shall conduct the draw of lots. He is authorized in case of any exigencies to postpone the date of draw of lots to any other date for recorded reasons duly declaring the postponement at the notified venue. In such case no fresh notification is necessary and no fresh applications shall be entertained.
 - (10) The venue for the draw of lots due to any exigency may change from the place of notification. In such case, the change of venue shall be intimated by the Joint Collector to the applicant(s) through communication well in advance.

9-F Conduct of Draw of lots for allotment:

- (1) The Joint Collector of the District concerned shall be the authority to conduct draw of lots and shall be assisted by Member-Secretary of the District Authority. The Joint Collector
 - (i) shall conduct draw of lots in presence of the applicants and declare the successful applicant.
 - (ii) may declare the sole applicant as successful applicant in case, single application is received for any specified sand bearing area. If the successful applicant fails to enter into the agreement of allotment within the stipulated time, may reserve the area for Government Department concerned as decided by the District Authority for extraction and supply of sand.
 - (iii) shall have the power to suspend any person and may order his expulsion from the venue for draw of lots who causes impediment to the proceedings of draw of lots or who induces or forbids any eligible person from participation.
 - (iv) shall after completion of draw of lots issue confirmation orders to the successful applicant within two working days from the day of draw of lots.
- (2). The Member - Secretary of District Authority;
 - (i) shall return the Security Deposit of unsuccessful applicants within seven days from the date of draw of lots.

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- (ii) shall record the proceedings of draw of lots in Form-S5 in triplicate. One copy of the proceedings shall be handed over to the Joint Collector and one copy to the District Collector in the sealed cover.
- (iii) Security Deposit of the Successful Applicant, shall be refunded after completion of the allotment period on production of no dues certificate issued by the competent authority.
- (3) The successful applicant shall enter into an agreement of allotment of the specified sand bearing area in Form-S6 with the Member-Secretary within seven days from the date of confirmation.
- (4) The successful applicant after entering into the agreement herein declared as Allottee and shall conduct the operations as per rules and conditions of the agreement.

9- G Allotment of in Stream/underwater sand bearing areas:

- (1) The specified sand bearing areas meant for in Stream/underwater extraction by means of boats, the Boatsmen Co-operative Societies registered under the Andhra Pradesh Co-operative Societies Act, 1964 shall only be eligible for participation in draw of lots.
- (2) The extraction of sand from In-Stream/Underwater specified areas shall be carried out by Local Registered Boatsmen Co-operative Societies/ Non-local Registered Boatsmen Co-operative Societies selected by draw of lots by rotation.
- (3) The procedure for filing of applications for In-Stream/Underwater specified sand bearing areas shall remain as per Rule 9-E(4) of these Rules.
- (4) The Joint Collector shall by way of draw of lots entrust sand bearing areas meant for underwater extraction by means of boats by adopting the following procedure:
 - (i) When more than one local Registered Boatsmen Co-operative Society file application for a specified sand bearing area, the allotment shall be among all the local Registered Boatsmen Co-operative Societies by permitting them to extract sand on rotation basis by fixing equal duration to each society within the specified period.

- (ii) If there is no participation by any local Registered Boatsmen Co-operative Society for specified sand bearing area, clause 9-G(4)(i) shall be followed for non-local Registered Boatsmen Co-operative Societies.

9-H Responsibility of the Allottee:

- (1) The Allottee shall:
 - (i) abide by the rules and conditions made under the River Conservancy Act, 1884, the Andhra Pradesh Water Land & Trees Act, 2002 and the Environment Protection Act, 1986 and subsequent amendments issued by the State and Central Governments from time to time.
 - (ii) conduct operations as stipulated in rule 23 of Andhra Pradesh Water Land, and Trees Rules, 2004 and in accordance with the conditions imposed in Approved Mining Plan & Environment Clearance issued by MoEF.
 - (iii) the agreement of allotment entered by the Allottee for specified sand bearing area is not transferable.
 - (iv) extract and dispatch sand from the specified sand bearing area to approved stockyard alongwith the way bill in Form-S7 issued by the Member-Secretary after paying the Seigniorage fee and other taxes as per the prevailing scheduled rate or revised from time to time.
 - (v) establish a stockyard nearer to the bank of Stream/River with accessibility for transportation to stock sand extracted from the specified sand bearing area and dispose sand from the stockyard after obtaining Mineral Dealer License as per Andhra Pradesh Mineral Dealer Rules, 2000 framed under section 23-C of the Mines & Minerals (Development & Regulation) Act, 1957 from the competent authority and follow the provisions thereunder.
 - (vi) obtain transit passes from the Member-Secretary in Form-E under the Andhra Pradesh Mineral Dealer Rules, 2000 and dispatch sand from the stockyard.
 - (vii) abide by the cost of sand as fixed by the Collector for dispatch from the stockyard.

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- (viii) not use tractors more than 3 Cu.Mt. capacity for transportation of sand from specified sand bearing area to approved stockyard.
 - (ix) only use ramp points permitted by the Executive Engineer/River Conservator.
 - (x) not Ply tractors over the flood banks except at the approved ramp points.
 - (xi) use the paths authorized by the Tahsildar concerned to approach the specified sand bearing area.
 - (xii) not use machinery for extraction of sand except in specific sand bearing areas where there is no impact on ground water table and with the prior approval of District Collector and Ex-Officio Chairman.
 - (xiii) maintain daily production and dispatch register at the specified sand bearing area and stockyard.
 - (xiv) furnish returns prescribed under various statutes to the Member-Secretary, who inturn shall consolidate the specified sand bearing area-wise data and furnish to the Joint Collector on or before 5th of the succeeding month under intimation to the Assistant Director of Mines & Geology concerned for information.
 - (xv) have no claims whatsoever under any circumstances for; extension of agreement for extraction of sand; any compensation for non-operation due to floods or heavy rains or any other situation during the period of extraction.
 - (xvi) be penalized for any extraction of sand beyond the specified area; beyond the specified thickness and for any other violations.
 - (a) penalty of Rs.1,00,000/- or Rs.500/- per Cu.Mt. of sand quarried beyond the specified limits or in excess of thickness stipulated, whichever is higher.
 - (b) penalty of Rs.1,00,000/- for each vehicle used for carrying more than 3 Cu.Mt. of sand from specified sand bearing area.
- (2) In the event of contravention of any of these rules and the conditions specified in Agreement of allotment during extraction of sand, the

confirming authority shall after giving an opportunity, terminate the agreement of allotment of specified sand bearing area, forfeit the security deposit and take possession of the area.

9-I Regulation of Sand extraction in IV order and above Streams/Rivers:

- (1) The transportation of sand extracted from IV order and above Streams/Rivers shall be regulated by evolving suitable mechanism in the following manner:
 - (a) Sand extracted from IV order Stream shall be utilized within the District.
 - (b) Sand extracted from V order and above Streams shall be utilized within the State.
- (2) The Member-Secretary to the District Authority in co-ordination with the following Departments shall effect proper enforcement for extraction and transportation of sand from the specified sand bearing areas:
 - (i) Irrigation Department. (River Conservancy).
 - (ii) Ground Water Department.
 - (iii) Revenue Department.
 - (iv) Panchayat Raj & Rural Development Department.
 - (v) Mines & Geology Department.
 - (vi) Police Department.

9-J Issue of Short Term Permits:

Owing to any exigency or pending finalization of allotment of any specified sand bearing area or change of policy, the District Authority may order for issue of short term permits on nomination basis for a period not exceeding sixty days as a contingency measure to any Government Agency against payment of Seigniorage Fee and other taxes as per prevailing rate or revised during the tenure of short term permit in order to have uninterrupted supply of sand in the Market to continue all the welfare schemes and Government works.

9-K Establishment of stockyard by the Allottee:

- (1) The Allottee shall establish a stockyard nearer to the bank of Stream/River with accessibility for transportation to stock sand, extracted from specified sand bearing area after obtaining a Mineral Dealer License as per A.P. Mineral Dealer Rules, 2000 framed under section 23-C of the Mines & Minerals (Development & Regulation) Act, 1957 from the Competent Authority and follow the provisions made there under. A separate notification will be issued designating officers for the purpose.
- (2) Shall dispatch sand from the stockyard after obtaining Transit Passes in Form-E from the Authority Competent under A.P. Mineral Dealer Rules, 2000.
- (3) No dealer license shall be granted for processing/storing/ stocking/ selling/trading etc. of ordinary sand to any person/firm/ society/ company who is not an Allottee in terms of these rules.

9-L De-casting sand from Pattalands:

In case of the sand casted pattalands abutting the Riverbeds, if the pattadar intends to de-cast sand by himself:

- (1) The pattadar shall apply to the Mandal Agricultural Officer, who after verification and assessment of sand shall issue Certificate and the Tahsildar concerned shall issue permit/waybills in Form-S8 after payment of Seigniorage fee. The sand extracted from pattalands shall be disposed of after obtaining Mineral Dealer License under section 23-C of the Mines & Minerals (Regulation and Development) Act, 1957.
- (2) To prevent indiscriminate removal of sand from pattalands from the Riverbed, care and caution shall be taken to ensure that no agent/GPA/Lease holders other than the farmer himself is involved in the process to eliminate vested interests.
- (3) The operational guidelines for regulation of sand extraction from the pattalands shall be issued by the District Collector.

- (4) In case of pattalands situated within the Riverbeds/course, extraction of sand shall be strictly prohibited and all such cases shall be dealt with separately by the River Conservator concerned.
- (5) The extraction of sand in pattalands shall be for a period of 6 (six) months only.
- (6) The Government/District Collector shall frame guidelines from time to time on de-casting sand from pattalands.

9-M Applicability of these Rules on sand sourced in the process of de-silting:

- (1) De-silting of Reservoirs/Water Bodies/UpStreams/Anicuts as and when taken by Irrigation and Command Area Development Department to enhance the storage capacity of the reservoirs and augment groundwater recharge in Command Area.
- (2) Sand sourced during the de-silting process shall be subject to Andhra Pradesh Minor Mineral Concession Rules, 1966 and dispatched by obtaining waybills as per Form-S9 issued by competent authority in the Irrigation and Command Area Development Department.
- (3) Sand sourced from out of de-silting operations shall be utilized for various civil works by obtaining a Mineral Dealer License as per A.P.Mineral Dealer Rules, 2000 framed under section 23-C of the Mines & Minerals (Development and Regulation) Act, 1957 from the competent authority and follow the provisions made thereunder. A separate notification will be issued designating officers for the purpose by the Irrigation & Command Area Development Department.

9-N Crushed Stone Sand as alternative to natural sand:

Alternate to River sand in the form of Crushed Stone Sand (Rock sand) shall be encouraged from the conservation point of view to River bed/in-Stream sand quarrying operations at affordable cost be made available to meet the requirement of bulk consumers.

9-O Apportionment of Seigniorage Fee to Zilla Parishad General Funds:

100% Seigniorage Fee shall be remitted to the General Funds under the Head of Account of Zilla Parishad concerned. The same shall be apportioned in the ratio of 25:50:25 among Zilla Parishad, Mandal Parishad and Gram Panchayat respectively.

9-P Ban on sand transportation across border:

No transportation of sand from the State shall be made across the border to other States.

9-Q Offences:

- (1) Where there is a reason to believe that any machinery/vehicle has been used for extraction and transportation of sand in contravention to these Rules, such machinery/vehicle along with sand shall be confiscated by any officer authorized by the Government through notification from time to time.
- (2) Every officer seizing any machinery/vehicle under said sub-rule (1) shall place on such machinery/vehicle, a mark indicating that the same has been seized and shall submit a report of such seizure to the Magistrate.
- (3) An authorized officer who seizes any machinery/vehicle shall order confiscation of the machinery/vehicle so seized.
- (4) No order of confiscation of any machinery/vehicle shall be made under sub-rule (3) unless the person from whom the machinery/vehicle is seized is given:-
 - (i) A notice in writing informing the person of the grounds on which it is proposed to confiscate such property.
 - (ii) An opportunity of making a representation in writing within such time as may be specified in the notice against the grounds for confiscation; and
 - (iii) A reasonable opportunity of being heard in the matter.
- (5) without prejudice to the provisions of sub-rule (4), no order of confiscation under sub-rule (3) of any machinery/vehicle shall be made if the owner of the vehicle thereof proves to the satisfaction of the

authorized officer that it was used in carrying the operations without his knowledge or connivance or the knowledge or connivance of his agent, if any, or the person in charge of the machinery/vehicle in committing the offence and that each of them had taken all reasonable and necessary precautions against such use.

Provided that no order prejudicial to any person shall be passed without being offered an opportunity of being heard.

- (6) Any person aggrieved by an order passed under sub-rule (1) or sub-rule (4) may, within thirty days from the date of communication of such order, appeal to the District Court having jurisdiction over the area in which the machinery/vehicle has been seized, and the District Court may after giving an opportunity to the parties to be heard, pass such order as it may deemed fit and the order of the District Court so passed shall be final.
- (7) Any officer who seized any machinery/vehicle under sub-rule (1) and where he makes a report of such seizure to the Magistrate under sub-rule (2) may release the same on the execution of a bond by the owner thereof for the production of the machinery/vehicle so released, as and when directed by the Magistrate.
- (8) The machinery/vehicle seized under this rule shall be kept in the custody of the Station House Officer/Motor Vehicle Inspector concerned until an order of the Magistrate directing its disposal is received.
- (9) Upon the receipt of any report under sub-rule (2), the Magistrate shall take such measures as may be necessary for the trial of the accused and the disposal of the machinery/vehicle according to law.

9-R Appeal and Revision:

(1) Upto III order Streams/Rivers:

- (i) Any person aggrieved by an order passed by the Mandal Authority/ Divisional Authority may prefer the appeal before the Joint Collector within fifteen (15) days from the date of receipt of such order.
- (ii) Any person aggrieved by an order of the Joint Collector may prefer revision before the District Collector within fifteen (15) days from the date of receipt of such order.

(2) IV, V & above order Streams/Rivers:

- (i) Any person aggrieved by an order passed by Mandal Authority / Divisional Authority / Member-Secretary / and Joint Collector may prefer an appeal to the District Collector within thirty (30) days from the date of receipt of such order.
- (ii) Any person aggrieved by an order passed by the District Collector may prefer revision before the Government within thirty (30) days from the date of receipt of such order.
- (3) The Appellate/Revisional Authority shall not admit any appeal/revision in either III order Streams or IV, V and above order Streams against any demand notice, without payment of a sum equivalent to 50% of the demanded amount by demand draft as a deposit drawn in favour of the authority who issued the demand notice.

9-S Powers to Issue Orders/Clarifications/Guidelines :

- (1) Upto III order Streams, the Commissioner, Rural Development & Administrator, A.P. WALTA shall be the authority competent to issue orders/clarifications/ guidelines to settle the issues arise for cases which are not explicitly mentioned herein.
- (2) The Government shall be authority to issue orders/clarifications/ guidelines for IV, V and above order Streams/Rivers to settle the issues arise for cases which are not explicitly mentioned herein.

9-T Saving Clause:

- (1) Leases which have not yet started shall be governed by the terms and conditions of these Amendments and the amounts, if any, remitted as per earlier policy shall be refunded.
- (2) Leases under operation shall be deemed to be governed by these Amendments and the balance amount collected under the earlier policy shall be refunded with effect from the date these Amendments come into force.

FORM – S 1

**NOTICE INVITING APPLICATIONS FOR ALLOTTMENT OF
SPECIFIED SAND BEARING AREAS**
(See Rule 9-E (1))

Notification No.

Date:

Notice is hereby given inviting applications for allotment of specified sand bearing areas through draw of lots to extract the indicated quantity of sand and to stock at the specified point and disposal as per Rule 9-F(1) of Andhra Pradesh Minor Mineral Concession Rules, 1966. The details of the specified sand bearing areas as per the schedule given below:

SCHEDULE

Sl. No.	Specified sand bearing area (Open extraction/ in-Stream)	Geocoordinates, extent — Village — Mandal	Quantity to be extracted (in Cu. Mt.)	Minimum Assured amount

ISSUING AUTHORITY**Note:**

1. The applications in Form-S2 can be had from the Member-Secretary, _____ District having office located at _____ on or before _____ by furnishing a written request alongwith Demand Draft for Rs.5,000/- (rupees five thousand only) towards application fee drawn infavour of Member-Secretary, _____ District from any nationalized bank.
2. The filled in applications alongwith enclosures specified therein shall be received till _____ P.M. on _____ in the office of the Member-Secretary _____ District.
3. The draw of lots will be conducted at _____ on _____, at _____ A.M./P.M.

G.765/2.

18 ANDHRA PRADESH GAZETTE EXTRAORDINARY [Part-I]
FORM- S 2

APPLICATION FOR ALLOTMENT OF SPECIFIED SAND
BEARING AREA.
(See Rule 9-E (3))

To

PHOTO OF THE
APPLICANT DULY
ATTESTED BY ANY
GAZETTED OFFICER

Sir,

I / We do here by request for allotment of specified sand bearing area listed at Serial No _____ of Notification No _____
Dated _____ through draw of lots.

- 1 a) Name of the applicant :
(in Block Letters)
- b) Father's name. :
- c) Nativity. :
- 2 Status of the applicant
(Individual/Firm/Limited
Company/Registered Boatsmen
Co-operative Society) :
- 3 Date of birth and Age of the
applicant. (Persons below
18 years are not eligible). :
- 4 Educational Qualification :
- 5 Profession / Occupation :
- 6 a) Postal address of the applicant.
b) Permanent address of the
applicant. :

- 7 Experience :
- 8 A declaration if the applicant is not an Income Tax Assessee alongwith a solvency certificate on the movable/immovable assets issued by the Competent Authority shall be furnished worth the minimum assured amount for the area applied for. :
- 9 Bank Accounts, Fixed deposits if any, to be furnished. :
- 10 PAN Number if any to be furnished. :
- 11 Copy of Income Tax Assessment for latest (3) years. Net worth of the applicant for the last three (3) years certified by a chartered accountant which shall be equal to the minimum assured amount notified for that specified area at least in any one of the three (3) years. :
- 12 Details of the specified sand bearing area applied for. :
- 13 Quantity of sand to be extracted as per Notification. :
- 14 Whether the individual/firm booked against any crime, if so furnish details. :
- 15 Are there any Court proceedings pending against the applicant/firm, if so furnish details. :
- 16 Demand Draft No, Date of payment, Amount and Bank towards 25% of minimum assured amount. :

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- 17 Whether convicted or penalized under M&M (R&D) Act 1957 and the rules made thereunder. If yes, details there of. :
- 18 A Notarized affidavit in the prescribed form on a non-judicial stamp paper worth Rs.100/- declaring:
- (a) To abide by \the Rules and conditions of allotment, agreement of allotment and any other orders issued during the period of allotment by the Govt. or District Authority from time to time. : Yes/No
 - (b) Mineral Dues Clearance Certificate or a declaration in lieu of in case the applicant did not hold any lease under M&M(D&R) Act 1957, Mineral Concession Rules, 1960 and A.P Minor Mineral Concession Rules, 1966. : Mineral Dues Clearance Certificate /Declaration
 - (c) No Dues Certificate from Commercial Taxes Department : No Dues Certificate/ Declaration
 - (d) In case of underwater excavation, Boatsmen Society shall submit Registration Certificate and Audit reports for latest three (3) years or a declaration that the Society accounts have not been subjected to audit till then. : Yes/No

I/ We declare that the particulars furnished above are true to the best of my/ our knowledge and gone through the terms and conditions laid down under Rule 9-B to 9-S of Andhra Pradesh Minor Mineral Concession Rules 1966. I/We hereby under take that I/we abide by the conditions of allotment.

Place :

Signature of the Applicant.

Date :

OFFICE USE ONLY

ACKNOWLEDGEMENT

No. _____

Date _____

Application in Form-S2 is received from Sri/Smt./Kum./M/s. _____ in response to Notification No._____, dated. _____ for _____ with the following enclosures.

1. Demand Draft No. _____, dated. _____ for Rs.5,000/- towards cost of application.
2. Demand Draft No. _____, dated. _____ for Rs._____ towards minimum assured amount as Security Deposit.

Application Receiving Authority

Note: 1) The issue of acknowledgement as receipt of application does not confer any rights on the applicant as eligible to participate in draw of lots unless the documents specified are furnished and the antecedents are verified and entry pass issued.

- 2) Entry pass will be issued to the eligible applicant upto 5.00 P.M. on _____.

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FORM – S 3

(See Rule 9-E (6))

Register showing the PARTICULARS OF applications received
for draw of lots

NOTIFICATION NO. _____

DATE:_____

(1) Description of the specified sand bearing
area and its Sl.No. in Notification : _____

(2) Quantity indicated (in Cu.Mt) : _____

Sl. No.	Name and Address of the applicant	Minimum assured amount	DD No. and Date for Rs.5,000/- (Cost of (Appln.)	DD No. and Date of Security Deposit	Signature/ Thumb impression of the applicant	Initials of receiving authority
(1)	(2)	(3)	(4)	(5)	(6)	(7)

FORM – S 4
[See Rule 9-E (8)]
ENTRY PASS

PASSPORT SIZE
PHOTO OF THE
APPLICANT

Entry Pass No._____
Date_____

1. Name and Address of the applicant : _____
2. Notification No. & Date : _____
3. Sl.No. of sand bearing area :
in notification _____
4. Specified Sand bearing area applied for :
participation in draw of lots. _____
5. Date, Time and venue of draw of lots : _____

Specimen Signature
of the applicant

Signature of the
Issuing Authority

FORM - S 5

Record of Proceedings for draw of Lots

[See Rule 9-F(6)]

Name of the Disitrcit : _____

Venue for draw of lots : _____ Date : _____

Description of the specified sand bearing area :

Indicated quantity (in Cu.Mt.) : _____

Number of applications received : _____

Number of entry pass issued : _____

I. Name & Designation of the Authority to draw lots :

II. Officers and observers present : _____

S.I.No.	Name & Designation	Signature

III. List of the entry pass holders present during draw of lots:

S.I.No.	Name	Signature/Thumb impressions

IV. The proceedings commenced at _____ A.M./P.M. and completed at _____ A.M./P.M.

V. Declaration of successful entry pass holder:

Sri/Smt/Kum./M/s. _____ is hereby declared as successful applicant in respect of specified sand bearing area of _____ during the draw of lots..

Signature of the
Joint Collector

VI. Declaration by the successful applicant:

I/We _____ do hereby accept the lots drawn and declaration made in my/our favour. I/We also do hereby swear that I/We

will abide by the Rules, terms and conditions of confirmation, conditions of agreement of allotment and other statutes.

Signature / Thumb impression
of the successful applicant

Witness:

- 1
- 2
- 3

I am present throughout the draw of lots and witnessed the proceedings

Signature of the
Member-Secretary

Signature of the Official Observers

- 1.
- 2.
- 3.

FORM – S 6
Agreement of Allotment of Specified Sand Bearing Area.
[See Rule 9-F(8)]

This agreement entered into on this _____ day of _____ of 2012 between the District WALT Authority represented by its Member-Secretary and Project Director District Water Management Agency, _____ District on behalf of Government of Andhra Pradesh, referred to as the Allotter, which expression shall unless repugnant to the subject or context mean and include its successors, assignees and representatives etc., on one part.

AND

Sri/M/s. _____ S/o. _____ residing at _____ (hereinafter referred to as the Allottee) which expression shall include its successors in interest, legal representatives etc., on other part.

Whereas the Member-Secretary vide notification No._____ dated:_____ invited applications for extraction and transportation

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of sand from specified sand bearing area situated at Sy.No./Geo-Coordinates _____, _____ Village of _____ Mandal to the specified stockyard at _____ Sy.No._____ Village _____ Mandal through draw of lots and disposal of sand from the authorized stockyard. The Joint Collector _____ District confirmed the allotment vide Proceedings No._____, dt:_____. This contract is subject to the extent, terms & conditions of notification and A.P. WALT Rules 2004, Andhra Pradesh Minor Mineral Concession Rules 1966.

NOW IT IS MUTUALLY AGREED AND DECLARED BY AND BETWEEN PARTIES HERETO AS FOLLOWS:

1. SCOPE OF THE WORK:

- (i) The Allottee shall extract sand from the specified sand bearing area situated at _____, _____ & _____, transport to the specified stockyard by tractors having capacity not more than 3 Cu.Mt. and dispose sand from the specified stockyard at the rate fixed as per rules.

2. PERIOD OF THE AGREEMENT:

- (i) The agreement shall be inforce with effect from ____ to ____.
- (ii) The period of agreement shall not be extended.
- (iii) The agreement is not transferable.

3. QUANTITY OF SAND TO BE EXTRACTED:

- (i) The Allottee shall extract the indicated quantity from the specified sand bearing area as notified, during the period of agreement in consonance with Approved Mining Plan/Environment Clearance/ Consent for Establishment & Operation.
- (ii) The Allottee while extracting sand shall confine to the thickness specified in the Approved Mining Plan and to the boundaries notified.
- (iii) The Allottee shall extract indicated quantity of sand during the period of agreement and transport to specified stockyard duly paying prevailing Seigniorage Fee in advance from time to time.

- (iv) The Allottee shall obtain Mineral Dealer License as per A.P. Mineral Dealer Rules, 2000 for stocking of sand from the specified sand bearing area.
- (v) The Allottee shall dispatch sand from the specified stockyard after obtaining Transit Passes in Form-E from the competent authority.
- (vi) The Allottee shall maintain true records of dispatch of sand from the specified sand bearing area to the specified stockyard and shall file monthly returns on the quantity of sand extracted to the Member-Secretary/Joint Collector/District Authority and Asst. Director of Mines & Geology concerned.
- (vii) The Allottee shall maintain true records of dispatch of sand from the specified stockyard and file returns to the competent authority as per A.P. Mineral Dealer Rules, 2000.

4. PAYMENT OF SEIGNIORAGE FEE:

The Allottee shall pay Seigniorage Fee in advance before dispatch of sand from the specified sand bearing area to the authorized stockyard as per the prevailing scheduled rates in the Zilla Parishad General Funds from time to time and furnish challan to the Member-Secretary for obtaining waybills.

5. CONDITIONS:

The Allottee shall:

- (1) Abide by the conditions and the rules made under River Conservancy Act, 1884, Andhra Pradesh Water Land & Trees Act 2002 and Environment Protection Act 1986 and subsequent amendments issued by the State and Central Governments from time to time.
- (1) Pay the Seigniorage fee and obtain way bills in Form S-7 from the Member-Secretary and dispatch sand from the specified area to specified stock yard.
- (2) Maintain daily production and dispatch register and statutory returns/ clearances prescribed under various statutes at the specified area.

- (3) Extract sand from the specified sand bearing area in a systematic manner as per approved mining plan and Environment Clearance issued by Ministry of Environment and Forests.
- (4) Not use Tractors more than 3 Cu. Mt. capacity for transportation of sand from specified sand bearing area to stock yard.
- (5) Use the ramp points permitted by the Executive Engineer/ River Conservator.
- (6) Not allow tractors carrying sand to ply over the flood banks except at approved ramp points.
- (7) Use the paths authorized by the Tahsildar concerned to approach the specified sand bearing area.
- (8) Not extract sand more than the permitted quantity and beyond the specified thickness. Sand extracted beyond the specified boundaries or in excess of permitted thickness shall be treated as unauthorized sand extraction and liable for penalization.
- (9) Extraction of sand from the specified sand bearing area shall be by manual means and no machinery is permitted except in specific sand bearing areas where there is no impact on Ground Water table and with the prior approval of District Collector/District WALTA Authority.
- (10) Erect and maintain at his own expense, boundary pillars at each corner or angle in the line of boundary of the Specified Sand Bearing Area allotted.

6. FAILURE AND TERMINATION:

The confirming authority shall, after giving an opportunity, terminate the agreement of allotment of specified sand bearing area, forfeit the security deposit and take possession of the area, order for seizure of sand stocks from the specified stockyard on contravention of any of rules and conditions specified for the purpose of extraction of sand from the specified sand bearing area and disposal from the specified stockyards.

7. Any other specific condition deemed fit in the opinion of the confirmation authority on a case – to – case basis as per local conditions (to be mentioned).

ALLOTTEE

ALLOTTER

FORM – S 7**Sand Way Bill Form for specified sand bearing area**
[See Rule 9-H (iv)]

Way Bill No._____

District Code._____
Book No. _____

1. Name & Address of the Allottee : _____
2. Description of specified sand bearing area :
 - a) Name of the area
 - b) Village
 - c) Mandal
3. Date and time of issue : _____
4. Quantity under transportation : 3.00 Cu. Mt.
5. Vehicle No. : _____
6. Location of specified Stockyard
 - a) Survey No.
 - b) Village
 - c) Mandal: _____
7. Date and time of receipt at Stockyard : _____

Signature of the Allottee.

Authorized representative

Signature of the issuing authority

Note:

1. Overwriting in any form in the way bills makes it invalid.
2. The driver shall carry the duplicate stamped copy of the way bill and handover it to the authorized person of the allottee at the designated stockyard.
3. The original Transit Form shall be surrendered to the issuing authority concerned within 15 days from the date of dispatch and the duplicate form shall be retained by the allottee to obtain transit passes.
4. The tractor driver shall produce the way bill to any authorized authority for checking purpose.

FORM – S 8
Sand Way Bill Form for Pattalands
[See Rule 9-P (1) (ii)]

Way Bill No._____

District Code _____
Book No. _____

1. Name & Address of the Pattadar
2. Order No. & Date of permission issued by Tahsildar.
3. Details of sand bearing area
 - a) Sy.No.
 - b) Village
 - c) Mandal
 - d) Extent
4. Name & address of the consignee.
5. Place of destination
6. Date & Time of issue
7. Vehicle No.

8. Quantity : 3.00 cum

9. VAT/TIN No.

Signature of the Pattadar

Signature of the
Issuing Authority

Conditions :

1. Overwriting in any form in the way bills makes it invalid.
2. The driver shall carry the duplicate stamped copy of the way bill and hand over it to the consignee.
3. The original Transit Form shall be surrendered by the pattadar to the issuing authority.
4. The tractor driver shall produce the way bill to any authorized authority for checking purpose.

FORM – S 9
Way Bill Form for De-silted Sand
[See Rule 9-M(2)]

Way Bill No. _____ District Code _____
Book No. _____

1. Details of area of de-siltation/removal of sand
2. Name & Address of the Consignee Department
3. Work agreement No. & Date
4. Due date for completion of the work
5. Details of destination (work site)
 - a) Village
 - b) Mandal
6. Date & Time of issue

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7. Vehicle No.

8. Quantity : _____cum

Signature of the Site In-charge

Signature

Issuing Authority

Note:

1. Overwriting in any form in the way bills makes it invalid.
2. The driver shall carry the duplicate stamped copy of the way bill and hand over it to the consignee department at work site as evidence of payment of Seigniorage fee.
3. The driver of the vehicle shall produce the way bill to any authorized checking authority.
4. The Government Department shall properly retain the way bill as token of evidence having exempted from payment of Seigniorage Fee and shall retain as evidence to be produce as and when demanded.
5. Original way bills shall be surrendered to the issuing authority as record.

CONDITIONS FOR ALLOTMENT OF SPECIFIED SAND BEARING AREAS BY WAY OF DRAW OF LOTS

- I(1) Notice inviting applications in Form-S1 shall be caused by the Member-Secretary of the District Authority for allotment of feasible sand bearing areas for Riverbed/open extraction and in Stream/underwater excavation in the District (other than Scheduled Areas) to be published in (2) local dailies not less than (15) days before the last date meant for receipt of applications.
- (2) Notification charges for publication of the allotment of feasible sand bearing areas as per Sub-rule (1) shall be met from Zilla Parishad General Funds.

-
- (3) Filing of application in prescribed Form-S2 by the applicants with the Member-Secretary duly satisfying the terms & conditions stipulated therein on payment of Rs.5000=00 (Rupees Five Thousand Only) towards non-refundable fee through Demand Draft drawn in favour of Member-Secretary from any Nationalized Bank. The application fee shall be remitted to the credit of Zilla Parishad General Funds.
 - (4) Every filled in application for Riverbed/open extraction and in Stream/underwater excavation shall be accompanied by the following documents
 - (5) Identity/proof any one - copy of voter identification card/ration card/Aadhaar card/Passport.
 - (6) A Notarized affidavit in the prescribed form on a non-judicial stamp paper worth Rs.100/- declaring:
 - (a) To abide by the Rules and conditions of allotment, agreement of allotment and any other orders issued during the period of allotment by the Govt. or District Authority from time to time.
 - (b) Mineral Dues Clearance Certificate or a declaration in lieu of Mineral Dues Clearance Certificate in case the applicant did not hold any lease under M&M(D&R) Act 1957, Mineral Concession Rules, 1960 and A.P Minor Mineral Concession Rules, 1966.
 - (c) Copy of Income Tax Assessment for latest (3) years. Net worth of the applicant for the last three (3) years certified by a chartered accountant which shall be equal to the minimum assured amount notified for that specified area at least in any one of the three (3) years.
 - (d) A declaration if the applicant is not an Income Tax Assessee alongwith a solvency certificate on the movable/immovable assets issued by the Competent Authority shall be furnished worth the minimum assured amount for the area applied for.
 - (e) No Dues Certificate from Commercial Taxes Department or a declaration if the applicant is not a Commercial Tax Assessee.

G.765/3.

- (f) In case of in-Stream/underwater extraction by Boatsmen Society, the Society shall submit Registration Certificate, Society Audit reports for latest three (3) years, if they are available or a declaration that the Society accounts have not been subjected to audit till then if it is registered recently.
- (7) Demand Draft from any Nationalized Bank for an amount equal to 25% of the Minimum Assured Amount for the specified quantity of sand notified for any specific sand bearing area shall be paid towards Security Deposit drawn in favour of the Member-Secretary.
- (8) Six recent pass port size photos duly signed by the applicant.
- (9) An application once filed shall not be allowed for withdrawal.
- II(1) The Member-Secretary shall maintain a register in Form-S3 showing the details of applications received for each feasible sand bearing area notified for extraction of sand
- (2) The Member-Secretary shall take reasonable precaution to obtain the verification of antecedents and credit worthiness of the applicants. Guidelines shall be issued designating officer for the purpose.
- (3) The Member-Secretary after receipt of report on the antecedents shall reject applications found not genuine with recorded reasons. For the remaining applications, entry passes shall be issued before conduct of draw of lots in Form-S4.
- (4) Joint Collector shall conduct the draw of lots; empowered to postpone the date of draw of lots to any other date for recorded reasons duly declaring the postponement at the notified venue; in such case no fresh notification is necessary and no fresh applications shall be entertained.
- (5) The venue for the draw of lots due to any exigency may change from the place of notification; in such case, the change of venue shall be intimated by the Joint Collector to the applicant(s) through communication well in advance.

III(1) The Joint Collector of the District concerned shall be the authority to conduct draw of lots and assisted by Member-Secretary of the District Authority:

- (i) Shall conduct draw of lots in presence of the applicants and declare the Successful Applicant
 - (ii) May declare the sole applicant as successful applicant in case single application is received for any specified sand bearing area and the successful applicant did not enter into the agreement of allotment within the stipulated time, may reserve the area for Government Department concerned as decided by the District Authority for extraction and supply of sand.
 - (iii) Shall have the power to suspend any person and may order his removal from the venue for draw of lots who causes impediment to the proceedings of draw of lots or who induces or forbid any eligible person from participation.
- (2) The Security Deposit of unsuccessful applicants shall be returned by the Member-Secretary within seven days from the date of draw of lots.
- (3) The Security Deposit of the Successful Applicant shall be refunded after the activity is completed on production of no dues certificate issued by the competent authority.

IV The Member-Secretary shall record the proceedings of draw of lots in Form-S5 in triplicate; one copy of the proceedings shall be handed over to the Joint Collector and one copy to the District Collector in the sealed cover.

- V(1) The Joint Collector after completion of draw of lots shall issue confirmation orders to the successful applicant within two working days from the day of draw of lots.
- (2) The successful applicant shall enter into an agreement of allotment of the specified sand bearing area in Form-S6 with the Member-Secretary within seven days from the date of confirmation.

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- (3) The successful applicant after entering into the agreement herein declared as Allottee shall conduct the operations as per rules and conditions of the agreement.

VI(1) The specified sand bearing areas meant for In-Stream/underwater extraction by means of boats, the Boatsmen Co-operative Societies registered under the Andhra Pradesh Co-operative Societies Act, 1964 shall only be eligible for participation in draw of lots.

- (2) The extraction of sand from In-Stream/Underwater specified areas shall be carried out by Local Registered Boatsmen Co-operative Societies/Non-local Registered Boatsmen Co-operative Societies selected by draw of lots by rotation.
- (3) The procedure for filing applications for allotment of in Stream/underwater excavation of sand shall remain as per Rule 9-E(4) of these Rules.
- (4) The Joint Collector shall by way of draw of lots entrust sand bearing areas meant for underwater extraction by means of boats by adopting the following procedure:
- (5) When more than one local Registered Boatsmen Co-operative Society file application for a specified sand bearing area, the allotment shall be among all the local Registered Boatsmen Co-operative Societies by permitting them to extract sand on rotation basis by fixing equal duration to each society within the specified period.
- (6) If there is no participation by any local Registered Boatsmen Co-operative Society for specified sand bearing area, the procedure mentioned at (4) shall be followed for non-local Registered Boatsmen Co-operative Societies.

VII(1) The Allottee shall:

- (i) abide by the rules and conditions made under River Conservancy Act, 1884, Andhra Pradesh Water Land & Trees Act 2002 and Environment Protection Act 1986 and subsequent amendments issued by the State and Central Governments from time to time.

-
- (ii) conduct operations as stipulated in Rule 23 of Andhra Pradesh Water Land, and Trees Rules, 2004 and in accordance with the conditions imposed in Approved Mining Plan & Environment Clearance issued by MoEF.
 - (iii) the agreement of allotment entered by the Allottee for specified sand bearing area is not transferable.
 - (iv) extract and dispatch sand from the specified sand bearing area to approved stockyard alongwith the way bill in Form-S7 issued by the Member-Secretary after paying the Seigniorage fee and other taxes as per the prevailing scheduled rate or revised from time to time.
 - (v) establish a stockyard nearer to the bank of Stream/River with accessibility for transportation to stock sand extracted from the specified sand bearing area and dispose sand from the stockyard after obtaining Mineral Dealer License as per A.P. Mineral Dealer Rules, 2000 framed under Section 23-C of Mines & Minerals (Development & Regulation) Act, 1957 from the competent authority and follow the provisions thereunder.
 - (vi) obtain transit passes from the Member-Secretary in Form-E under A.P. Mineral Dealer Rules, 2000 and dispatch sand from the stockyard.
 - (vii) abide by the cost of sand as fixed by the Collector for dispatch from the stockyard.
 - (viii) not use tractors more than 3 Cu.Mt. capacity for transportation of sand from specified sand bearing area to approved stockyard.
 - (ix) only use ramp points permitted by the Executive Engineer/River Conservator.
 - (x) not to Ply tractors over the flood banks except at the approved ramp points.
 - (xi) use the paths authorized by the Tahsildar concerned to approach the specified sand bearing area.

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- (xii) usage of machinery for extraction of sand is not permitted, except in specific sand bearing areas where there is no impact on ground water table and with the prior approval of District Collector and Ex-Officio Chairman.
 - (xiii) maintain daily production and dispatch register at the specified sand bearing area and stockyard.
 - (xiv) Furnish returns prescribed under various statutes to the Member-Secretary, who inturn shall consolidate the specified sand bearing area-wise data and furnish to the Joint Collector/District Authority on or before 5th of the succeeding month under intimation to the Asst. Director of Mines & Geology concerned for information.
 - (xv) Have no claims whatsoever under any circumstances for; extension of agreement for extraction of allotment; any compensation for non-operation due to floods or heavy rains or any other situation during the period of extraction.
 - (xvi) be penalized for any extraction of sand beyond the specified area; beyond the specified thickness and for any other violations.
 - (a) penalty of Rs.1,00,000/- or Rs.500/- per Cu.Mt. of sand quarried beyond the specified limits or in excess of thickness stipulated, whichever is higher.
 - (b) penalty of Rs.1,00,000/- for each vehicle used for carrying more than 3 Cu.Mt. of sand from specified sand bearing area.
- (2) Contravention of any of these rules and the conditions specified in Agreement of allotment during extraction of sand, the confirming authority shall after giving an opportunity, terminate the agreement of allotment of specified sand bearing area, forfeit the security deposit and take possession of the area.
- VIII 100% Seigniorage Fee shall be remitted to the General Funds under the Head of Account of Zilla Parishad concerned. The same shall be apportioned in the ratio of 25:50:25 among Zilla Parishad, Mandal Parishad and Gram Panchayat respectively.

IX No transportation of sand from the State shall be made across the border to other States.

- X(1) Where there is a reason to believe that any machinery/vehicle has been used for extraction and transportation of sand in contravention to these Rules, such machinery/vehicle along with sand shall be confiscated by any officer authorized by the Government through notification from time to time.
- (2) Every officer seizing any machinery/vehicle under sub-rule-1 shall place on such machinery/vehicle, a mark indicating that the same has been seized and shall submit a report of such seizure to the Magistrate.
- (3) Where an authorized officer seizes any machinery/vehicle shall order confiscation of the machinery/vehicle so seized.
- (4) No order of confiscation of any machinery/vehicle shall be made under sub-rule (3) unless the person from whom the machinery/vehicle is seized is given:-
- (i) A notice in writing informing the person of the grounds on which it is proposed to confiscate such property.
 - (ii) An opportunity of making a representation in writing within such time as may be specified in the notice against the grounds for confiscation; and
 - (iii) A reasonable opportunity of being heard in the matter.

- (5) without prejudice to the provisions of sub-rule (4), no order of confiscation under sub-rule (3) of any machinery/vehicle shall be made if the owner of the vehicle thereof proves to the satisfaction of the authorized officer that it was used in carrying the operations without his knowledge or connivance or the knowledge or connivance of his agent, if any, or the person in charge of the machinery/vehicle in committing the offence and that each of them had taken all reasonable and necessary precautions against such use.

Provided that no order pre-judicial to any person shall be passed without being offered an opportunity of being heard.

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- (6) Any person aggrieved by an order passed under sub-rule (1) or sub-rule (4) may, within thirty days from the date of communication of such order, appeal to the District Court having jurisdiction over the area in which the machinery/vehicle has been seized, and the District Court may after giving an opportunity to the parties to be heard, pass such order as it may deemed fit and the order of the District Court so passed shall be final.
- (7) Any officer who seized any machinery/vehicle under sub-rule (1) and where he makes a report of such seizure to the Magistrate under sub-rule (2) may release the same on the execution of a bond by the owner thereof for the production of the machinery/vehicle so released, as and when directed by the Magistrate.
- (8) The machinery/vehicle seized under this rule shall be kept in the custody of the Station House Officer/Motor Vehicle Inspector concerned until an order of the Magistrate directing its disposal is received.
- (9) Upon the receipt of any report under sub-rule (2), the Magistrate shall take such measures as may be necessary for the trial of the accused and the disposal of the machinery/vehicle according to law.

XI(1) Appeal/Revision Upto III order Streams/Rivers:

- (i) Any person aggrieved by an order(s) passed by the Mandal Authority/Divisional Authority may prefer the appeal before the Joint Collector within (15) days from the date of receipt of such order.
- (ii) Any person aggrieved by an order of the Joint Collector may prefer revision before the District Collector within (15) days from the date of receipt of such order.

(2) Appeal/Revision for IV, V & above order Streams/Rivers:

- (i) Any person aggrieved by an order(s) passed by the Mandal Authority/Divisional Authority may prefer the appeal before the Joint Collector within (15) days from the date of receipt of such order.

- (ii) Any person aggrieved by an order of the Joint Collector may prefer revision before the District Collector within (15) days from the date of receipt of such order.
- (3) The Appellate/Revisional Authority shall not admit any appeal/revision in either III order Streams or IV, V and above order Streams against any demand notice, without payment of a sum equivalent to 50% of the demanded amount by demand draft as deposit drawn in favour of the authority who issued the demand notice.

XII Powers to Issue Orders/Clarifications/Guidelines :

- (1) Upto III order Streams, the Commissioner, Rural Development & Administrator, A.P. WALTA shall be the authority competent to issue orders/clarifications/ guidelines to settle the issues arise for cases which are not explicitly mentioned herein.
- (2) The Government shall issue orders/clarifications/ guidelines for IV, V and above order Streams/Rivers to settle the issues arise for cases which are not explicitly mentioned herein.

D. SREENIVASULU
Principal Secretary to Government.

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